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SENSITIVE
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RABAT FOR LEGAL ATTACHE DAVID ARCHEY

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SUBJECT: LIFE TO GO: RWANDAN GENOCIDAIRES DOING TIME IN MALI

¶1. (SBU) Summary: Mali's penitentiary system is home to 14 Rwandans, including former Prime Minister Jean Kambanda and two other Ministers, convicted of genocide by the International Criminal Tribunal for Rwanda (ICTR). Eight of the Rwandans in Mali are serving life sentences. Under the terms of Mali's agreement with the ICTR and the UN, Mali covers the prisoners' day-to-day expenses and is responsible for maintaining minimum standards of care. The ICTR is responsible for other expenses such as transportation, repatriation upon the termination of a sentence, and the provision of new infrastructure. Mali agreed to incarcerate Rwandan "genocidaires" in 1999 as a symbol of Malian support for African unity. With the genocidaire serving the shortest sentence - 12 years - scheduled to be released this August, however, Malian officials are debating a new question: whether this individual could, or should, be allowed to remain in Mali as a free man. Mali's National Director for Penitentiary Administration also voiced concerns that financial support for Mali's Rwandan genocidaires would dry up when the ICTR completes its mandate. End Summary.

Background: The Agreement with the United Nations

2.(SBU) The first group of Rwandans convicted of genocide by the ICTR began arriving in Bamako in 2001. This group included Jean Kambanda, the former Prime Minister of the interim government in Rwanda during the genocide. A second group of nine prisoners, including former Minister of Information, Eliezer Niyitegeka, and former Minister of Higher Education, Jean de Dieu Kamuhanda, arrived in Bamako in December 2008. Mali's fourteen ICTR convicts, their previous positions, and sentences are:

- Jean Paul AKAYYESU, Burgomaster, Life
- Paul BISENGIMANA, Communal Mayor, 15 years
- Sylvestre GACUMBITSI, Burgomaster, Life
- Samuel IMANISHIMWE, Military Commander, 12 years
- Jean KAMBANDA, Prime Minister, Life
- Jean de Dieu KAMUHANDA, Minister of Higher Education, Life
- Clement KAYISHEMA, Prefect, Life
- Issa Mika MUHIMANA, Commune Councilor, Life
- Alfred MUSEMA UWIMANA, Industrialist, Life
- Ferdinand NAHIMANA, Professor, 30 years
- Hassan NGEZE, Journalist, 35 years
- Eliezer NIYITEGEKA, Minister of Information, Life
- Obed RUZINDANA, Businessman, 25 years
- Laurent SEMANZA, Deputy Mayor, 34.5 years

3.(SBU) Kambanda and his fellow genocidaires ended up in Mali under Article 26 of the Statute of the ICTR, which enables individuals convicted by the Tribunal to be incarcerated in Rwanda or any nation selected by the ICTR from the list of

countries that registered their willingness to host convicted genocidaires through the UN Security Council. This list includes Rwanda, Mali, Italy, Benin, Swaziland, France and Sweden. The 14 Rwandan genocidaires transferred to Mali by the ICTR are in a new prison facility in Koulikoro, about an hour north of Bamako.

4.(SBU) Under the terms of the February 12, 1999 agreement between Mali and the United Nations/ICTR, Mali incurs the day-to-day expenses associated with imprisoning the genocidaires and is responsible for maintaining minimum standards of detention conditions established by United Nations Economic and Social Council (UNESCO) resolutions. The ICTR is responsible for extraordinary expenses such as transportation and repatriation upon the termination of a sentence or death of a prisoner. In addition, the UN/ICTR agreed to mobilize financial support for any new infrastructure reasonably necessary to help Mali meet the minimum standards of detention conditions established by the UNESCO resolutions.

Mali: The Global Good Samaritan

5.(SBU) On March 23 the National Director of Mali's Penitentiary Administration, Sanidie Toure, told the Embassy that Mali originally regarded its arrangement with the ICTR as an attempt to make a positive contribution to international diplomacy. Toure said hosting Rwandan genocidaires was consistent with the pan-African ideals enshrined in Article 117 of the Malian constitution which

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stipulates that Mali may cede partial or full sovereignty to realize African unity.

6.(SBU) Toure expressed concern that the Rwandan prisoners could become a burden to Mali if the financial resources of the ICTR dry up after the tribunal concludes its mandate. The Rwandans were originally held with other local inmates in Bamako's Central Prison - in 2006 prison wardens placed an arrested AmCit in the Rwandans' cell for one week, apparently because some of the Rwandans also spoke English. Since the Central Prison did not conform to the minimum detention conditions specified by UNESCO resolutions, the ICTR financed a facility specifically built for the Rwandans north of Bamako. The Rwandans are now segregated from the Malian inmates in the new prison and their conditions are substantially superior, with air conditioned cells financed by the ICTR. Toure wondered whose jurisdiction these inmates would fall under in five or ten years' time.

7.(SBU) With the first of the genocidaires, Samuel Imanishimwe, scheduled for release in August 2009, Malian prison authorities are concerned about what will become of the prisoners once their sentences have been served. Imansihimwe was originally sentenced to 27 years for torturing and killing civilians. His sentence was later reduced to 12 years. Toure said several of the Rwandan prisoners have expressed a desire to stay in Mali upon completion of their sentence, perhaps out of fear of returning to Rwanda. For his part, Toure said he believed Malians would have no problem living next to "rehabilitated" genocidaires because they would have already served their sentences and paid for their crimes. However, Toure did say there would be additional costs associated with settling the inmates and integrating them into Malian society, and Toure was interested to know who would pay these associated costs.

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